

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

CORY M. ROWE,

Petitioner,

: Case No. 3:20-cv-094

- vs -

District Judge Walter H. Rice  
Magistrate Judge Michael R. Merz

STATE OF OHIO,

:

Respondent.

---

---

**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

---

---

Petitioner Cory M. Rowe brought this case on a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241. Petitioner claims that, although he is in federal custody on a sentence from this Court, he is subject to a detainer from the Darke County Sheriff regarding a charge of sexual misconduct involving his daughter and the Darke County Court of Common Pleas refuses, despite demand, to bring him to trial.

Rowe attached no paperwork showing any such detainer and the Magistrate Judge was unable to locate any such case through the Clerk of Courts for Darke County. Accordingly the Magistrate Judge issued an order for Rowe to supplement the Petition with documents evidencing the facts he claimed (ECF No. 2). Rowe was given a deadline of March 27, 2020, to file the supplement. None has been filed. Instead, the Order has been returned by the Postal Service marked “undeliverable” because Rowe is not at the United States Penitentiary in Pollock, Louisiana, which is the address he gave upon filing.

Given those facts, the Magistrate Judge recommended the Petition be dismissed without prejudice for lack of prosecution (Report, ECF No. 4). The mail including this Report was also returned as undeliverable (ECF No. 5) and the Court has had no notice from Petitioner of a new address.

Because Petitioner has not objected to the Report and the time for doing so has expired, the Court ADOPTS the Report and ORDERS that the Petition herein be dismissed without prejudice for lack of prosecution. The Clerk shall enter judgment to that effect, terminating this case on the Court's docket. Because reasonable jurists would not disagree with this conclusion, Petitioner is denied a certificate of appealability and the Court certifies to the Sixth Circuit that any appeal would be objectively frivolous and should not be permitted to proceed *in forma pauperis*.

May 1, 2020.

/s/ Walter H. Rice (tp - per Judge Rice authorization after his review)

Walter H. Rice  
United States District Judge